

REMARKS

Claims 10, 16, and 18 have been canceled without prejudice, and therefore claims 9, 11, 13 to 15, 17, and 19 to 30 are pending in the present application.

In view of the following remarks, it is respectfully submitted that the pending claims are allowable, and reconsideration is respectfully requested.

Claims 16 and 18 were objected to under 37 CFR 1.75 as being a substantial duplicate of claims 15 and 17. To facilitate matters, claims 16 and 18 have been canceled herein without prejudice.

Claims 9 to 11, 13 to 19, 22 to 25, 27, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Background Information (characterized as Applicant's Admitted Prior Art ("AAPA") by the Final Office Action) in view of U.S. Patent No. 3,844,029 to Dibugnara et al. ("Dibugnara").

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, claims 10, 16, and 18 have been canceled herein without prejudice, thereby obviating their rejections.

Further, while the rejections may not be agreed with, to facilitate matters, independent claims 9 and 13 have been rewritten to provide that *a section of the wire contact is covered with the nickel layer without the silver layer directly applied on the nickel layer*. It is respectfully submitted that the Dibugnara reference does not disclose or suggest this feature as any review of the Dibugnara reference makes plain. Indeed, Figures 1, 3, 4, 5, 6, 7, 8, and 14 of Dibugnara make clear that every nickel layer (36) is covered with silver (38). Accordingly, Dibugnara fails to disclose or even suggest a wire contact being *covered with the nickel layer without the silver layer directly applied on the nickel layer*, as provided in the context of claims 9 and 13, as presented. Claims 9 and 13, as well as their respective dependent claims, are allowable for at least this reason.

Claims 21, 26, 29, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Background Information (characterized as Applicant's Admitted Prior Art ("AAPA") by the Final Office Action) in view of Dibugnara, and further in view of U.S. Patent No. 7,361,257 to Wang et al. ("Wang").

Claims 21, 26, 29, and 30 ultimately depend from claim 9, as presented, and they are therefore allowable for at least the same reasons as claim 9 because the secondary Wang reference does not cure – and is not asserted to cure – the critical deficiencies of the primary AAPA and Dibugnara references, as discussed above.

As further regards all of the obviousness rejections, any Official Notice is respectfully traversed to the extent that it is maintained and it is requested that the Examiner provide specific evidence to establish those assertions and/or contentions that may be supported by the Official Notices under 37 C.F.R. § 1.104(d)(2) or otherwise. In particular, it is respectfully requested that the Examiner provide an affidavit and/or that the Examiner provide published information concerning these assertions. This is because the § 103 rejections are apparently being based on assertions that draw on facts within the personal knowledge of the Examiner, since no support was provided for these otherwise conclusory and unsupported assertions. (See also MPEP § 2144.03).

Withdrawal of all the obviousness rejections is therefore respectfully requested.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the pending and considered claims are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Dated: _____

8/3/2010

Respectfully submitted,

By: _____

Gerard A. Messina
(Reg. No. 35,952)

KENYON & KENYON LLP
One Broadway
New York, NY 10004
(212) 425-7200

Reg. No. 33,865
Anne C. DEDITCH

CUSTOMER NO. 26646